

**SIXTEENTH DAY**

(Tuesday, February 8, 1949)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President pro tempore.

The roll was called, and the following Senators were present:

Aikin	Lane
Ashley	Lock
Bell	Martin
Bracewell	McDonald
Bullock	Moffett
Colson	Moore
Corbin	Morris
Cousins	Phillips
Hardeman	Proffer
Harris	Shofner
Hazlewood	Strauss
Hudson	Taylor
Jones	Tynan
Kelley of Hidalgo	Vick
Kelly of Tarrant	Weinert

Absent—Excused

Carney

A quorum was announced present.

The Reverend Frank Luker, Chaplain, offered the invocation.

On motion of Senator Kelly of Tarrant, and by unanimous consent, the reading of the Journal of the proceedings of Monday was dispensed with and the Journal approved.

**Leave of Absence Granted**

Senator Carney was granted leave of absence for today and the balance of the week on account of important business on motion of Senator Morris.

**Senate Concurrent Resolution 14**

Senator Taylor offered the following resolution:

S. C. R. No. 14, Providing for a Joint Session to hear an address by Major General Lewis B. Hershey.

Whereas, Major General Lewis B. Hershey, National Director of the Selective Service System of the United States, is now in Texas on an official tour; now, therefore, be it

Resolved, That General Hershey be invited to address a Joint Session of the Senate and House of Representatives, to be held in the Hall of the House of Representatives at 11:00 o'clock a.m., Wednesday, February 9, 1949, and that a Joint Committee of

five members of each house be appointed to escort him to the Joint Session.

The resolution was read.

On motion of Senator Taylor and by unanimous consent the resolution was considered immediately and was adopted.

**Reports of Standing Committees**

Senator Bell submitted the following report:

Austin, Texas,  
February 8, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Public Health, to whom was referred Senate Bill No. 103, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

BELL, Chairman.

Senator Taylor submitted the following reports:

Austin, Texas,  
February 8, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred S. B. No. 61, have had the same under consideration, and I am instructed to report it back to the Senate, with the recommendation that it do pass.

TAYLOR, Chairman.

Austin, Texas,  
February 8, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred S. B. No. 69, have had the same under consideration, and I am instructed to report it back to the Senate, with the recommendation that it do not pass, but that the committee substitute as amended do pass in lieu thereof.

TAYLOR, Chairman.

C. S. S. B. No. 69 was read first time.

Austin, Texas,  
February 8, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred S. B. No. 82, have had the same under consideration, and I am instructed to re-

port it back to the Senate, with the recommendation that it do pass.

TAYLOR, Chairman.

Senator Proffer submitted the following report:

Austin, Texas,  
February 8, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Education, to whom was referred Senate Bill No. 37, instructs me to report it back to the Senate with the recommendation that it do pass as amended and be printed.

PROFFER, Chairman.

#### Report of Legislative Audit Committee

The following report of the Legislative Audit Committee was laid before the Senate, read and referred to the Committee on Nominations of the Governor.

Austin, Texas,  
February 8, 1949.

To the Senate of the 51st Legislature of the State of Texas:

This is to certify that the Legislative Audit Committee, under the provisions of Senate Bill No. 27 as passed by the 49th Legislature, did on this day appoint C. H. Cavness as State Auditor of the State of Texas for the term expiring February 15th, 1951.

It is respectfully requested that Senate confirmation be given this appointment.

#### LEGISLATIVE AUDIT COMMITTEE,

ALLAN SHIVERS,  
Lieutenant Governor.

DURWOOD MANFORD,  
Speaker of the House of Representatives.

JAMES E. TAYLOR,  
Chairman of the Senate Finance Committee.

A. M. AIKIN, JR.,  
Chairman of the Senate Committee on State Affairs.

RAY KIRKPATRICK,  
Chairman of the House Appropriations Committee.

JOE B. FLEMING,  
Chairman of the House Committee on Revenue and Taxation.

#### Senate Bills and Resolutions on First Reading

The following bills and resolutions

were introduced, read severally first time and referred to the committees indicated:

By Senator Bell:

S. B. No. 207, A bill to be entitled "An Act amending Section 2, Chapter 241, House Bill No. 755, Acts of the 44th Legislature, Regular Session, 1935, page 757, by adding to said section authority for the Comptroller to authorize distributors to affix revenue tax stamps by imprinting tax meter stamps upon original packages of cigarettes, providing rules and regulations relating thereto, amending Section 3 of Chapter 241, House Bill No. 755, Acts of the 44th Legislature, Regular Session, 1935, and the amendments thereto prescribing the duties of the State Treasurer in invoicing, distributing and handling stamp metering machines, and declaring an emergency."

To Committee on State Affairs.

By Senator Harris:

S. B. No. 208, A bill to be entitled "An Act providing for regulation of life insurance and health and accident insurance issued in connection with loan transactions; defining credit insurance and certain other terms for the purposes of this Act; creating a Credit Insurance Rate Commission, providing for their appointment, compensation, duties and term of office; levying an annual fee upon insurers writing credit insurance to defray the expense of said Commission and appropriating the same for that purpose; (providing for the organization and meeting of the Commission) giving the Commission authority to make and promulgate maximum rates to be charged for credit insurance and fixing the continuing duty to gather experience and rate data; prohibiting coercion of insurance and preserving to each citizen the right to choose his own insurer and insurance agent; limiting the amount and terms of credit life insurance and credit health and accident insurance which may be required with respect to any loan; declaring certain commissions for the sale of credit insurance legal and forbidding those above maximum rates or based on loss experience; requiring a written application preliminary to the issuance of credit insurance policies, prescribing information to be submitted in such applications and requiring the form thereof to be filed

with and approved by the Board of Insurance Commissioners; prescribing the contingencies to be insured against in credit life insurance policies and credit health and accident insurance policies; making provision for the maximum amount of such insurance in connection with each loan and the maximum terms of such policies; prescribing that such policies are non-cancellable by the insurer, that credit life insurance policies are non-cancelable by the insured, and that credit health and accident policies may be cancelled by the insured on payment of the loan which it secures, and providing for the return of the unearned premium; requiring the forms of credit insurance policies to be filed with and approved by the Board of Insurance Commissioners; providing that rates heretofore adopted by credit insurers may remain in effect until new rates have been filed as provided in the Act; authorizing the Board of Insurance Commissioners to promulgate rules and regulations to carry out the purposes of this Act; declaring rates charged and collected in excess of approved rates to be interest on money borrowed; authorizing the Board of Insurance Commissioners to cancel license of any insurer or agent violating any provision of this Act; authorizing appeals from orders of said Rate Commission, or Board of Insurance Commissioners; making it unlawful for any insurer, insurance agent, lender agent, or lender, as defined in the Act, or their officers, agents, or employees to charge, receive, or collect any rate, premium, or assessment other than the legal one and fixing a penalty for violation of such provision; fixing the penalty for the making of any false affidavit under requirements of the Act by any officer, director, agent, employee, attorney-at-law or attorney-in-fact of any insurer, or any insurance agent or lender agent; fixing the penalty for wilfully refusing or failing to comply with any lawful order of the Board of Insurance Commissioners by any director, officer, agent, employee, attorney-at-law or attorney-in-fact of any insurer under this Act or any insurance agent, or lender agent; providing that this Act shall never apply to Group Life Insurance issued in accordance with House Bill 420, Acts of the Fiftieth Legislature; repealing all laws or parts of laws in conflict with

this Act to the extent of such conflict; declaring the provisions of this Act to be severable; and declaring an emergency."

To Committee on Insurance.

By Senator Moore:

S. B. No. 209, A bill to be entitled "An Act to amend Section 16 of House Bill 611, being Chapter 562, page 914, General and Special Laws of the State of Texas, 47th Legislature, Regular Session, 1941, as amended, by adding three (3) new sections to be known as Sections 16-A, 16-B, and 16-C; providing financial assistance to physically or mentally handicapped individuals as defined in the law; defining physically and mentally handicapped individuals; providing for the payment of such assistance and administrative cost; providing for the acceptance and use of any Federal moneys allocated to the State Department of Public Welfare for the payment of assistance or administrative cost should such money be made available; providing for an appropriation for assistance payments and administrative expenses; providing a repealing clause; providing a saving clause; providing an anticipatory clause; and declaring an emergency."

To Committee on Finance.

By Senator Corbin:

S. B. No. 210, A bill to be entitled "An Act amending Section 7 by adding a new section to be known as Section 7-A, House Bill 611, Chapter 562, page 914, General Laws of the State of Texas, Regular Session, 47th Legislature, Acts of 1941; providing for the creation of a division within the State Department of Public Welfare to be known as the 'Commodity Distribution Division'; providing for an emergency appropriation for administrative purposes for the period from May 1, 1949 to August 31, 1949; providing for an appropriation for the biennium beginning September 1, 1949 and ending August 31, 1951 for the purpose of setting up facilities for the distribution of commodities for the biennium in accordance with the provisions of this Act; and providing a repealing clause, a saving clause, and declaring an emergency."

To Committee on Finance.

By Senator Moore:

S. J. R. No. 6, Proposing an amendment to Article III of the Constitu-

tion of the State of Texas, by adopting a new Section to be known as Section 51-b, which shall provide that the Legislature shall have the power to provide, under such limitations and restrictions and regulations as may be deemed by the Legislature expedient, for assistance to physically or mentally handicapped individuals who are totally and permanently disabled, who are in need, who are not eligible for Old Age Assistance, Aid to the Needy Blind, or Aid to Dependent Children, and who are residents of the State of Texas; providing that the Legislature shall have the authority to accept from the Government of the United States financial aid for such physically or mentally handicapped individuals; providing for anticipatory legislation; providing for the necessary proclamation, publication and election; and providing for the appropriation necessary to defray the expenses thereof.

To Committee on Constitutional Amendments.

By Senator Hazlewood:

S. J. R. No. 7, Proposing an amendment to the Constitution of the State of Texas, amending Article III by amending Sections 2, 5, 6, 7, 24, 26-a and 33, and adding Section 24-a.

To Committee on Constitutional Amendments.

#### **Presentation of Miss Linda Iris Brown**

(Senate Resolution 36)

Senator Tynan offered the following resolution:

Whereas, At this time of each year the various chapters of the National Foundation for Infantile Paralysis are actively engaged in bringing to the attention of the public the need of sufficient financial resources to aid in the treatment and scientific research of the dreaded disease of infantile paralysis; and

Whereas, Texas during the year 1948 had over 1700 cases of infantile paralysis, the majority of such victims being children of tender years; and

Whereas, Linda Iris Brown, daughter of Mr. and Mrs. Leonard Brown, Jr., of San Antonio, Bexar County, Texas, a victim of infantile paralysis, was chosen as the 1949 March of Dimes Poster Girl to bring to the attention of the general public the

urgent need for contributions, and to show that prompt and proper treatment of polio victims may, in some cases, bring about total and complete recovery from such dreaded disease; and

Whereas, Linda Iris Brown, accompanied by officials of the Travis County and Texas organizations of the National Foundation for Infantile Paralysis, has been invited by the Governor of this State and the members of the Legislature from Bexar County, Texas, to visit Austin and the State Capitol, and in response to such invitation the above named parties are now in the Capitol in the State of Texas; now, therefore, be it

Resolved, That the Senate of the State of Texas, do extend the privileges of the floor of the Senate to Linda Iris Brown, her parents, Mr. and Mrs. Leonard Brown, Jr., and the officials of the Travis County and Texas organizations of the National Foundation for Infantile Paralysis, and that in adopting this resolution this body go on record as indorsing this worthwhile campaign and in honor of Linda Iris Brown and her parents, Mr. and Mrs. Leonard Brown, Jr., who have so unselfishly given of their time and energies to aid in alleviating the tragedy and suffering which follows in the wake of infantile paralysis.

The resolution was read and was adopted.

In accordance with the provisions of the above resolution, Miss Linda Iris Brown and her party were admitted to the Senate Chamber and accompanied to the President's stand by the Lieutenant Governor and Senator Tynan.

(President in the Chair)

The President then presented Miss Linda Iris Brown, her parents, Mr. and Mrs. Leonard Brown, of San Antonio, Texas, Mrs. I. H. Douglas and daughter Jane of Austin, Texas and Mrs. Eleanore W. Malone of Warm Springs, Georgia, to the Senate and thanked them on the part of the Senate and the State of Texas for the work they have done in the fight against infantile paralysis.

The President then presented Senator Tynan who addressed the Senate briefly and thanked Miss Brown and her parents for the work they have done in the March of Dimes program.

**Senate Resolution 37**

Senator Bracewell offered the following resolution:

Whereas, We have visiting in Austin in the State Capitol today, George Carmack, Editor of the Houston Press, Walter Humphrey, Editor of the Fort Worth Press, and Ed Pooley, Editor of the El Paso Herald-Post; and

Whereas, These distinguished newspaper men have come from various parts of the state to visit the Legislature in their endeavor to facilitate the dissemination of information concerning our State Government to the people of Texas; now, therefore, be it

Resolved, By the Senate of the State of Texas, that this body extend to these distinguished newspaper editors, a hearty welcome and its gratitude for their service rendered the State of Texas; and be it further

Resolved, That these gentlemen be accorded privileges of the floor for the day.

BRACEWELL  
KELLY of Tarrant  
HUDSON  
PHILLIPS

The resolution was read and was adopted.

**Senate Resolution 38**

Senator Bracewell offered the following resolution:

Whereas, Mr. Ed Rider, a duly accredited newspaper correspondent covering the Fifty-first Legislature, representing the Houston Chronicle, and the former Mrs. Edith Rogers, who is employed in the Sergeant-at-Arms Office of the Senate of Texas, were married in Houston, Harris County, Texas, on Saturday, February 5, 1949, at the home of the former Mrs. Rogers' sister, Mrs. John B. Durkee, 2116 Quinby, Houston, Texas; and

Whereas, Mr. Rider has represented the Houston Chronicle in covering the sessions of the Texas Legislature since 1931, and by his impartial and forthright reporting of the news to the people of Texas has gained the respect of his fellow correspondents and the members of the Texas Senate; and

Whereas, The former Mrs. Edith Rogers was employed in the State Treasurer's Office prior to her service with the Senate of the State of Texas, whose courtesy and helpfulness has gained to her the respect of the

other state employees and the members of the Texas Senate; now, therefore, be it

Resolved, By the Senate of the State of Texas, that this body extend to Mr. and Mrs. Ed Rider its heartiest congratulations and best wishes for many happy years of married life; and be it further

Resolved, That a copy of this resolution be forwarded to Mr. and Mrs. Ed Rider.

The resolution was read and was adopted.

**Co-authors of Bills**

Senators Moffett and Jones asked to be shown as co-authors of S. B. No. 205.

There was no objection offered.

Senator McDonald asked to be shown as co-author of S. J. R. No. 1.

There was no objection offered.

**Committee Substitute  
Senate Bill 19 on Second Reading**

Senator Morris moved to suspend the regular order of business to take up C. S. S. B. No. 19 for consideration at this time.

The motion prevailed by the following vote:

**Yeas—27**

Aikin	Lock
Ashley	Martin
Bell	McDonald
Bracewell	Moffett
Bullock	Moore
Colson	Morris
Corbin	Phillips
Cousins	Proffer
Hardeman	Shofner
Hazlewood	Strauss
Hudson	Taylor
Jones	Tynan
Kelley of Hidalgo	Vick
Lane	

**Nays—3**

Harris	Weinert
Kelly of Tarrant	

**Absent—Excused**

Carney

The President then laid before the Senate on its second reading and passage to engrossment:

C.S.S.B. No. 19, A bill to be entitled "An Act appropriating Three Million Dollars (\$3,000,000.00) as a supplemental appropriation to the funds appropriated for salary aid in House Bill No. 295 of the Acts of the Regular Session of the Fiftieth Legislature; providing that the funds herein appropriated are to be used to supplement payments for salary aid for the first year of the current biennium 1947-1948 and for no other purpose; provided that the funds herein appropriated under the provisions of this Act and under the terms and conditions and in the manner provided in the regular appropriation for salary aid in House Bill No. 295; providing that the funds appropriated for salary aid in House Bill No. 295 and in this Bill are to be in full and complete payment of any claim for salary aid for the first year of the biennium 1947-1948; providing applications for aid under this Act shall have been eligible under the provisions of Bill No. 295 and on file with the State Department of Education and Legislative Accountant prior to the passage of this Act; appropriating an additional sum of Six Million Dollars (\$6,000,000.00) or so much thereof as may be necessary to supplement the appropriation made for salary aid for 1948-1949 to be expended in accordance with the provisions of House Bill No. 295 of the Acts of the Regular Session of the Fiftieth Legislature; and amending Section 2, of Article III, of H. B. 295, Acts of the Regular Session of the Fiftieth Legislature to provide for clarification of the intention of the Legislature regarding basis of payment for vocational agriculture teachers, vocational home economics teachers, and vocational trade and industrial teachers; providing a savings clause, and declaring an emergency."

The bill was read second time.

Senator Taylor offered the following amendment to the bill:

Amend Committee Substitute for S. B. No. 19, Section 3, line 63, as follows:

Change comma (,) after the word Legislature to a period (.) and strike out the remainder of the sentence on lines 63 and 64.

The amendment was adopted.

(Senator Aikin in the Chair.)

Senator Harris moved to lay the bill on the table subject to call and to request the President of the Senate to ask the Attorney General of the State for an opinion on the constitutionality of the bill.

Pending consideration of the motion, Senator Vick occupied the Chair temporarily.

(President in the Chair.)

Senator Aikin called for a division of the question.

Question first recurring on the motion to lay the bill on the table subject to call, yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—10

Ashley	Harris
Bell	Hazlewood
Bracewell	Hudson
Cousins	Kelly of Tarrant
Hardeman	Weinert

Nays—20

Aikin	Moffett
Bullock	Moore
Colson	Morris
Corbin	Phillips
Jones	Proffer
Kelley of Hidalgo	Shofner
Lane	Strauss
Lock	Taylor
Martin	Tynan
McDonald	Vick

Absent—Excused

Carney

Question next recurring on the motion of Senator Harris to request an opinion from the Attorney General, yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—10

Ashley	Harris
Bell	Hazlewood
Bracewell	Hudson
Cousins	Kelly of Tarrant
Hardeman	Weinert

Nays—20

Aikin	Corbin
Bullock	Jones
Colson	Kelley of Hidalgo

Lane	Phillips
Lock	Proffer
Martin	Shofner
McDonald	Strauss
Moffett	Taylor
Moore	Tynan
Morris	Vick

**Absent—Excused**

Carney

C. S. S. B. No. 19 was then passed to engrossment.

**Motion to Place C. S. S. B. 19 on Third Reading**

Senator Morris moved that the constitutional rule requiring bills to be read on three several days be suspended and that C. S. S. B. No. 19 be placed on its third reading and final passage.

The motion was lost by the following vote (not receiving the necessary four-fifths vote of the members present):

**Yeas—21**

Aikin	Moffett
Bell	Moore
Bullock	Morris
Colson	Phillips
Corbin	Proffer
Jones	Shofner
Kelley of Hidalgo	Strauss
Lane	Taylor
Lock	Tynan
Martin	Vick
McDonald	

**Nays—9**

Ashley	Hazlewood
Bracewell	Hudson
Cousins	Kelly of Tarrant
Hardeman	Weinert
Harris	

**Absent—Excused**

Carney

**Message from the House**

Hall of the House of Representatives,  
Austin, Texas,  
February 8, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolution:

S. C. R. No. 14, Inviting Major General Lewis B. Hershey to address a

joint session of the Senate and House of Representatives at 11 o'clock a.m., Wednesday, February 9, 1949.

Respectfully submitted,

CLARENCE JONES,  
Chief Clerk, House of Representatives.

**Adjournment**

On motion of Senator Aikin, the Senate at 12:50 o'clock p.m., adjourned until 10:30 o'clock a.m. tomorrow.

**SEVENTEENTH DAY**

(Wednesday, February 9, 1949)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Lock
Ashley	Martin
Bell	McDonald
Bracewell	Moffett
Bullock	Moore
Corbin	Morris
Cousins	Phillips
Hardeman	Proffer
Harris	Shofner
Hazlewood	Strauss
Hudson	Taylor
Jones	Tynan
Kelley of Hidalgo	Vick
Kelly of Tarrant	Weinert
Lane	

**Absent—Excused**

Carney                      Colson

A quorum was announced present.

Reverend Frank Luker, Chaplain, offered the invocation.

On motion of Senator Hudson, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal approved.

**Leaves of Absence Granted**

Senator Colson was granted leave of absence for today on account of a death in the family on motion of Senator Aikin.

Senator Carney was granted leave of absence for today on account of important business on motion of Senator Lane.